

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – W/S Main Street,
224' S of the c/l Bond Avenue
(316 Main Street)
4th Election District
3rd Council District

Ghassan Aziz Issa, et al
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-314-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Lawrence M. Hammond, Esquire, on behalf of Ghassan Aziz Issa and James and Jane Eickhoff and Harold and Brenda Rowe. Mr. Issa owns the subject property and is co-owner with the other parties of an adjacent strip of land known as Strawberry Alley. The Petitioner requests a special hearing to approve business parking in a residential zone, pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.) and approval to continue the nonconforming use of Strawberry Alley, which is 12.3' wide, more or less, as a driveway for two-way traffic movements in lieu of the required 20-foot width required by Section 409.4.A of the B.C.Z.R. In addition to the special hearing relief, the Petitioners also request variance relief from Section 1B01.1.B.1.e(5) of the B.C.Z.R. to permit a reduction of the Residential Transition Area (RTA) buffer and setback of as little as 0 feet each in lieu of the required 50-foot buffer and 75-foot setback; and, from Section 409.4.A of the B.C.Z.R. to permit the use of Strawberry Alley, which is 12.3' wide, more or less, as a driveway for two-way traffic movements in lieu of the required 20-foot width. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Ghassan Issa, property owner, Dr. Harold Rowe, co-owner along with Mr. Issa of Strawberry Alley, and

ORDER RECEIVED FOR FILING
Date 7/5/02
By [Signature]

Lawrence M. Hammond, Esquire, attorney for the Petitioners. Also appearing in support of the request were John Kumpulainan and Barbara Reynolds. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the west side of Main Street (Maryland Route 140) just north of Bond Avenue in Reisterstown. The property is 66' wide and 330' in dimension, or .50 acres in area, split zoned B.L. and D.R.3.5. The front portion of the property is zoned B.L. and the rear portion zoned D.R.3.5. The property is improved with a two-story frame building, which has been added to over the years, and a one-story frame building that is used as a garage. A portion of the site is improved with a parking area. The subject building is listed on the Maryland Historical Trust Inventory as a contributing structure in the Reisterstown National Historic District and was the subject of prior Case No. 02-178-SPH. By his Order dated January 14, 2002, Deputy Zoning Commissioner Timothy M. Kotroco granted special hearing relief to raze a portion of the structure. To the extent applicable, that Order has been incorporated herein.

Mr. Issa now comes before me seeking certain relief to allow the redevelopment of the subject property. The existing building will be used as an office and there will be certain renovations thereto, all in compliance with the requirements of Deputy Commissioner Kotroco's Order. The subject Petition largely relates to vehicular access to the site. In this regard, the north side property line abuts a narrow paved strip known as Strawberry Alley. The alley ranges in width from approximately 12' to 14'. Mr. Issa apparently owns half of that alley, as do the abutting property owners on the other side, namely, Dr. & Mrs. Harold D. Rowe, and Mr. & Mrs. Eickhoff. Historically, the alley has been used to provide access to the subject property and the adjacent property, which is improved with a two-story building used as Dr. Rowe's office.

In this regard, it is to be noted that Mr. & Mrs. Eickhoff filed a similar Petition in Case No. 97-100-SPHA, seeking identical special hearing and variance relief, as set forth above. By Order dated October 18, 1996, the undersigned Zoning Commissioner granted variance relief from both the RTA requirements, and from Section 409.4.A of the B.C.Z.R. to permit the use of the

ORDER RECEIVED FOR FILING
Date 4/15/02
By [Signature]

alley, which is 12.3', more or less, in width, in lieu of the required 20-foot access. In view of the grant of those variances, I dismissed as moot, that portion of the special hearing request to continue the use of Strawberry Alley for access. In this regard, the B.L./D.R.3.5 zoning line bisects both the subject property and the Rowe/Eickhoff property at the same point and runs in a parallel fashion to Reisterstown Road. Also, in that the parking lot on the Rowe/Eickhoff property also extended into the D.R.3.5 zone, special hearing relief was granted to approve business parking in a residential zone, in accordance with Section 409.8.B of the B.C.Z.R.

Based upon the testimony and evidence offered, it is clear that the identical relief granted the adjacent property owners in the prior case should be conferred upon this property. The properties are used in identical fashion and relief is appropriate for each. It is to be particularly emphasized that this site is located in the historic "downtown" section of old Reisterstown. The means of access to the business properties that front Reisterstown Road have remained constant for many years. In sum, I am persuaded that the Petitioners have satisfied the requirements for special hearing relief to be granted and that variance relief is justified, pursuant to the requirements of Section 307 of the B.C.Z.R.

As noted above, there were no Protestants present; however, Dr. Rowe appeared and offered a copy of an agreement signed by himself, Mr. Issa, and Mr. Eickhoff, marked as Joint Exhibit 1. This document sets forth the agreement by and between these adjacent property owners as to the use of Strawberry Alley and the parking arrangements therefor. It was requested that this exhibit be incorporated as a condition to the approvals granted. There were no other conditions requested and no adverse comments submitted by any Baltimore County reviewing agency.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

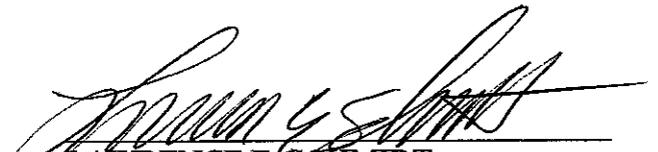
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of April, 2002 that the Petition for Special Hearing to approve business parking in a residential zone, pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

ORDER RECEIVED FOR FILING
Date 4/5/02
By [Signature]

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.1.B.1.e(5) of the B.C.Z.R. to permit a reduction of the Residential Transition Area (RTA) buffer and setback of as little as 0 feet each in lieu of the required 50-foot buffer and 75-foot setback; and, from Section 409.4.A of the B.C.Z.R. to permit the use of Strawberry Alley, which is 12'3" wide, more or less, as a driveway for two-way traffic movements in lieu of the required 20-foot width, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Petitioner shall comply with the agreement reached between himself and the adjacent property owners, a copy of which was marked as Joint Exhibit 1, and attached hereto and made a part hereof.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Special Hearing to continue the use of Strawberry Alley, which is 12.3' wide more or less, as a driveway for two-way traffic movements in lieu of the required 20-foot width required by Section 409.4.A of the B.C.Z.R., be and is hereby DISMISSED AS MOOT.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 4/2/12
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 5, 2002

Lawrence M. Hammond, Esquire
465 Main Street
Reisterstown, Maryland 21136

RE: PETITIONS FOR SPECIAL HEARING and VARIANCE
W/S Main Street, 224' S of the c/l Bond Avenue
(316 Main Street)
4th Election District – 3rd Council District
Ghassan Aziz Issa, et al - Petitioners
Case No. 02-314-SPHA

Dear Mr. Hammond:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Ghassan Aziz Issa, 316 Main Street, Reisterstown, Md. 21136
Dr. Harold Rowe, 310 Main Street, Reisterstown, Md. 21136
Mr. John Kumpulainan, 105 Ridgetown Road, Reisterstown, Md. 21136
Ms. Barbara Reynolds, 12802 Gores Mill Road, Reisterstown, Md. 21136
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 316 Main Street, Reisterstown, MD
 which is presently zoned BL/DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Business Parking in a Residential zone in accordance with Section 409.8.B of the BCZR, and to continue an existing non-conforming use to permit the use of Strawberry Alley (12.3 ft. (+/-) wide, as a driveway for two-way traffic movements in lieu of the 20 ft. width required by Section 409.4.A.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
 Signature _____
 Address _____ Telephone No. _____
 City _____ State _____ Zip Code _____

Attorney For Petitioner:

Lawrence M. Hammond
 Name - Type or Print _____
 Signature _____
 Company Hammond & Hammond, L.L.C.
 Address 465 Main Street Telephone No. 410-833-7576
 Reisterstown, MD 21136
 State Zip Code

Legal Owner(s):

CO-Owners Strawberry Alley James/Jane Eickhoff
Ghassan Aziz Issa Name - Type or Print _____ Signature _____
Harold D./Brenda Rowe Name - Type or Print _____ Signature _____
316 Main Street Telephone No. 410-833-7576 Address Telephone No. Reisterstown, MD 21136 City State Zip Code

Representative to be Contacted:

Barbara V. Reynolds
 Name _____
 Address 12802 Gores Mill Road Telephone No. 410-833-2379
 Reisterstown, MD 21136
 City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
 UNAVAILABLE FOR HEARING _____

Reviewed By Jm Date 1-28-02

ORDER RECEIVED FOR FILING
 Date 4/5/02
 By [Signature]

Case No. 02-314SDHA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 316 Main Street, Reisterstown, MD
which is presently zoned BL/DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) Variance Relief is requested from Sec. 1B01.1.B.1.e(5) of the BCZR to permit a reduction of the Residential Transition Area (RTA) 50 ft. buffer and 75 ft. setback to as little as a 0 ft. buffer and 0 ft. setback; and Section 409.4.A of the BCZR to permit the use of Strawberry Alley as a driveway for 2 way traffic movements (12.3 ft +/- wide) in lieu of the 20feet width required. (See Special Hear See Site Plan attached showing Strawberry Alley gradually widening to 20 feet. of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

See Attached

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Lawrence M. Hammond
Name / Type or Print _____

Signature _____

Hammond & Hammond, L.L.C.
Company _____

465 Main Street 410-833-7576
Address Telephone No. _____

Reisterstown, MD 21136
City State Zip Code _____

Legal Owner(s):

	Co-Owners Strawberry Alley
Ghassan Aziz Issa Name - Type or Print _____	James/Jane Eickhoff Name - Type or Print _____
Signature _____	Signature _____
Harold D/Brenda Rowe Name - Type or Print _____	Harold D/Brenda Rowe Name - Type or Print _____
Signature _____	Signature _____
316 Main Street Address _____	410-833-2070 Telephone No. _____
Reisterstown, MD City _____	21136 State _____ Zip Code _____

Representative to be Contacted:

Barbara V. Reynolds
Name _____

12802 Gores Mill Road 410-833-2379
Address Telephone No. _____

Reisterstown, MD 21136
City State Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By SM Date 1-28-02

ORDER RECEIVED FOR FILING
Date 1/28/02
BY [Signature]

Case No. 02-314 SPHA

280 915198

ZONING DESCRIPTION FOR #316 MAIN STREET

Beginning for a point on the west side of Main Street which is 66 feet wide at a distance of 224 feet south of the centerline of Bond Avenue which is 40 feet wide. As recorded in Deed Liber 15020, folio 66 and thence running S 13 degrees 15 minutes E, 66 feet; thence S 80 degrees W, 330 feet; thence N 13 degrees 15 minutes W, 66 feet and thence N 80 degrees E, 330 feet to the point of beginning. Containing 21,780 square feet. Also known as #316 Main Street and located in the 4th. Election District, 3rd. Councilmanic District.



J. Tilghman Downey, Jr.

*Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060*

314

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

314

No. 09922

DATE 1-28-02 ACCOUNT 001-006-6152

AMOUNT \$ 500.00

RECEIVED FROM: G. ISSA 318 MAIN ST.

FOR: SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Jcm

PAID RECEIPT

PAYMENT ACTUAL TIME
1/28/2002 1/28/2002 09:17:08
REF MSIA CASHIER DDOL DMD DRAMER 2
>> RECEIPT # 173481 OFLN
DEPT E28 ZIMING VERIFICATION
CR NO. 09922

Receipt Tot 500.00
500.00 CK .00 DA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-314-SPHA

316 Main Street

W/S Main Street, 224' S centerline of Bond Avenue

4th Election District - 3rd Councilmanic District

Legal Owner(s): Ghassan Aziz Issa;

James & Jane Eickhoff co-owners

Variance: to permit a reduction of the residential transition area (RTA) 50 foot buffer and 75 feet setback to as little as a 0 feet buffer and 0 feet setback; to permit the use of Strawberry Alley as a driveway for 2 way traffic movements in lieu of the 20 feet width required. **Special Hearing:** to approve business parking in a residential zone and to continue an existing non-conforming use to permit the use of Strawberry Alley as a driveway for two-way traffic movements in lieu of the 20 feet width required.

Hearing: Tuesday, March 26, 2002 at 2:00 p.m. in Room 487, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 3/6/02 March 12

C525394

CERTIFICATE OF PUBLICATION

3/14/2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/12/2002.

- The Jeffersonian
- Arbutus Times
- Catonsville Times
- Towson Times
- Owings Mills Times
- NE Booster/Reporter
- North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 02-314-SPHA

Petitioner/Developer: _____

Ghassan Aziz Issa

Date of Hearing/Closing: 3-26-02

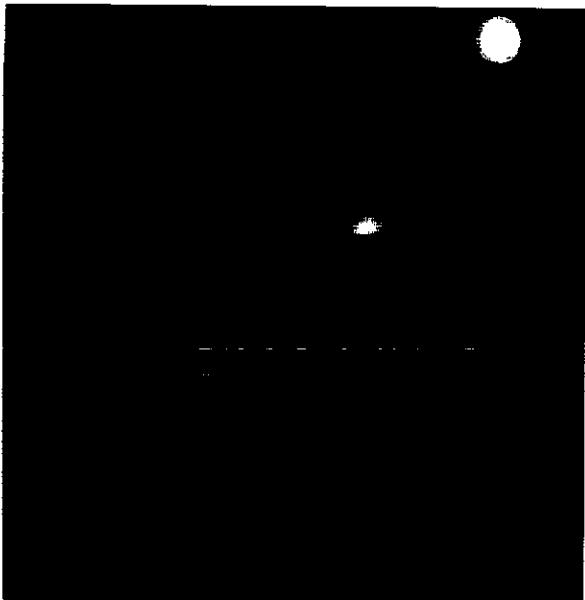
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 316 Main Street
Keisterstown, MD 21136

The sign(s) were posted on March 5, 2002
(Month, Day, Year)



Sincerely,

Stacy Gardner 3/7/02
(Signature of Sign Poster and Date)

Stacy Gardner

(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

(Address)

(City, State, Zip Code)

410-781-4000

(Telephone Number)

**DEPARTMENT OF PERMITS AND DEVELOPMENT
MANAGEMENT**

ZONING REVIEW

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING
HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: _____

314

Petitioner: _____

GHASSAN Aziz Issa

Address or Location: _____

316 MAIN ST., FEISBERSTOWN, MD. 21136

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Same

Telephone Number: _____

410 - 833 - 2379

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 12, 2002 Issue – Jeffersonian

Please forward billing to:
Ghassan Aziz Issa
316 Main Street
Reisterstown MD 21136

410 833-2379

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-314-SPHA
316 Main Street
W/S Main Street, 224' S centerline of Bond Avenue
4th Election District – 3rd Councilmanic District
Legal Owners: Ghassan Aziz Issa, James & Jane Eickhoff co-owners

Variance to permit a reduction of the residential transition area (RTA) 50 foot buffer and 75 feet setback to as little as a 0 feet buffer and 0 feet setback; to permit the use of Strawberry Alley as a driveway for 2 way traffic movements in lieu of the 20 feet width required. Special Hearing to approve business parking in a residential zone and to continue an existing non-conforming use to permit the use of Strawberry Alley as a driveway for two-way traffic movements in lieu of the 20 feet width required.

HEARING: Tuesday, March 26, 2002 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDL
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

February 25, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-314-SPHA
316 Main Street
W/S Main Street, 224' S centerline of Bond Avenue
4th Election District – 3rd Councilmanic District
Legal Owners: Ghassan Aziz Issa, James & Jane Eickhoff co-owners

Variance to permit a reduction of the residential transition area (RTA) 50 foot buffer and 75 feet setback to as little as a 0 feet buffer and 0 feet setback; to permit the use of Strawberry Alley as a driveway for 2 way traffic movements in lieu of the 20 feet width required. Special Hearing to approve business parking in a residential zone and to continue an existing non-conforming use to permit the use of Strawberry Alley as a driveway for two-way traffic movements in lieu of the 20 feet width required.

HEARING: Tuesday, March 26, 2002 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink that reads "Arnold Jablon". The signature is written in a cursive, flowing style.

Arnold Jablon GDZ
Director

C: Lawrence M Hammond, Hammond & Hammond, 465 Main Street,
Reisterstown 21136
Ghassan Aziz Issa, James & Jane Eickhoff, 316 Main Street, Reisterstown 21136
Barbara V Reynolds, 12802 Gores Mill Road, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 11, 2002.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 22, 2002

Ghassan Aziz Issa
316 Main Street
Reisterstown MD 21136

Dear Mr. Issa:

RE: Case Number: 02-314-SPHA, 316 Main Street

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 28, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Lawrence M Hammond, Hammond & Hammond, 465 Main Street,
Reisterstown 21136
Barbara Reynolds, 12802 Gores Mill Road, Reisterstown 21136
People's Counsel

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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

DATE: March 21, 2002

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for March 4, 2002
Item Nos. ~~314~~, 315, 316, 319, 320,
321, 322, 323, 324, 327, 328 and
329

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:cab

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

February 28, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 25, 2002

Item No.:

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time regarding the following items.

314, 315, 316, 319, 321, 323, 325, 326, 328

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RBS/76T*
DATE: March 25, 2002

Zoning Advisory Committee Meeting of February 25, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

285, 314-325, 327-329

MAR 26

AFK
3/26

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: February 25, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

FEB 26 2002

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-314

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Lynna Fisher

AFK/LL:MAC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 2.25.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 314 JCM

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

A handwritten signature in cursive script, appearing to read 'K. A. McDonald Jr.'.

1- Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

**Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202**

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
316 Main Street (Strawberry Alley), W/S Main St,
224' S of c/I Bond Ave
4th Election District, 3rd Councilmanic

Legal Owner: Ghassan Aziz Issa, James & Jane Eickhoff,
Harold & Brenda Rowe
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-314-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of February, 2002 a copy of the foregoing Entry of Appearance was mailed to Lawrence Hammond, Esq., Hammond & Hammond, 465 Main Street, Reisterstown, MD 21136, attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

G. HASSAN TSSA

22 DRAGON CT 21136

John Rumpulainen

105 Ridgeland Rd 21136

BARBARA V. REYNOLDS

12802 GORES MILL RD 21136

Harold Rowe

310 Main St / Reisterstown Md. 21136

Laurence M. Hemmel

465 Main Street, Reisterstown, MD 21136



AGREEMENT
RE: 316 Main Street & Strawberry Alley
Reisterstown, MD 21136

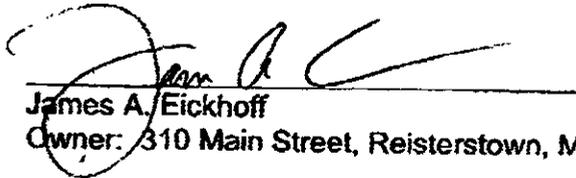
It is mutually agreed between the owners of 316 Main Street and 310 Main Street that the owner 316 Main Street will bear the initial expense of additional paving of Strawberry Alley, lying between the two properties, to a minimum width of 16+ feet at the Main Street entry and expanding to a width of 20 feet, beginning at the proposed new addition to and including the proposed parking lot. It is also agreed that no parking spaces, loading zones, or any other matter will be incorporated into Strawberry Alley that would reduce the ingress/egress width to less than 20 feet.

This paving will occur and be completed at the time of final County inspection to the proposed construction at 316 Main Street.



Issa Ghassan Aziz
Owner: 316 Main Street, Reisterstown, MD 21136

12-20-01
Date



James A. Eickhoff
Owner: 310 Main Street, Reisterstown, MD 21136

12/19/01
Date



Harold D. Rowe
Owner: 310 Main Street, Reisterstown, MD 21136

12/19/01
Date

JOINT Exhibit
1

IN RE: PETITION FOR ADMINISTRATIVE
SPECIAL HEARING
W/S Main Street, 221' S
centerline of Bond Avenue
4th Election District
3rd Councilmanic District
(316 Main Street)

Issa Ghassan Aziz
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-217-ASPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Special Hearing filed by the legal owner of the subject property, Issa Ghassan Aziz. The property is located at 316 Main Street in the Reisterstown area of Baltimore County. The subject property is zoned BL. The Petitioner herein seeks an Administrative Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), Baltimore County Code of Sections 26-203(C)(8) and Section 26-278, to raze a section of a historic property and add a new addition, as approved by the Landmarks Preservation Commission on November 8, 2002. This building is listed on the Maryland Historical Trust (MHT) Inventory as a contributing structure in the Reisterstown National Register Historic District. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative Special Hearing.

Section 26-172(b) of the Baltimore County Code (B.C.C.) provides that waivers from the requirements of Section 26-203 of the Code (i.e., the development plan) can be granted by the Director of the Department of Permits and Development Management (DPDM). Such requirements can be waived upon a finding that the size, scope and nature of the proposed development does not justify strict compliance, that a waiver would be within the scope purpose,

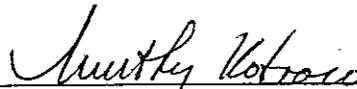
and intent of the development regulations, and that the proposed development complies with all other County laws, ordinances, and regulations. In order to afford due process, the Director has designated the Deputy Zoning Commissioner (Hearing Officer) to consider the waiver request filed in this instance. Moreover, in order to provide public notice, the property was posted with a sign describing the request on November 29, 2001. There had been one request for a public hearing that was subsequently cancelled and no further requests were made by the public for a hearing nor any public input for the requisite period of fifteen (15) days after posting the property. Thus, the matter is eligible for review and resolution by this Hearing Officer.

The Petitioner has filed the supporting affidavits as required by Section 26-127(b)(1) of the Baltimore County Code. A description of the property contained within the case file indicates that the property consists of 21,780 sq. ft., more or less, zoned BL. The information submitted is persuasive to a finding that the proposed addition is consistent with the character and historic features of the existing building and will not be inappropriate. Furthermore, the Landmarks Preservation Commission reviewed the Petitioner's proposal and recommended a finding that the project is consistent with Section 26-278 of the Baltimore County Code on November 8, 2001. There is no evidence in the file to indicate that the requested waiver would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. Moreover, the relief requested complies with the requirements of the Baltimore County Zoning Regulations and should therefore be approved.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of January, 2002, that the request for Administrative Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), Baltimore County Code of Sections 26-203(C)(8) and Section 26-278, to raze a section of a historic property and add a new addition, as approved by the Landmarks Preservation Commission on November 8, 2002, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: January 7, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: No. 316 Main Street

INFORMATION

Item Number: 02-217-SPH
Petitioner: John Kumpulainen (representative)
Zoning: BL
Requested Action: Special Hearing

RECOMMENDATIONS ON THE PROPOSAL

The log structure at 316 Main Street is listed on the Maryland Historic Trust (MHT) Inventory as a contributing structure in the Reisterstown National Register Historic District.

On November 8, 2002 the LPC unanimously agreed to recommend a finding to the hearing officer that the addition as proposed was consistent with Section 26-278, must be preserved. The architect for the project, Mr. Bill Keeney, agreed that no other cuts or windows other than those for the rear connection would be made to the log portion, that the original windows would be retained, and that the original siding would be rehabilitated.

Prepared by: 

Section Chief: 

AFK:KA:kra

9/13

IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE -
W/S Main Street, 290'+/- S of
the c/l of Bond Street
(322 Main Street)
4th Election District
3rd Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-7-SPHXA

Michael S. Rosofsky
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance for that property known as 322 Main Street in Reisterstown. The Petitions were filed by Michael S. Rosofsky, property owner, and Durkee & Rosofsky, Contract Lessees. The Petitioner requests a special exception to permit a service garage on the subject property, zoned B.L., and a special hearing to approve commercial parking in a D.R. 3.5 zone. In addition, the Petitioner seeks variance relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit six (6) parking spaces in lieu of the required eight (8) for a combination service garage and law office use. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Michael S. Rosofsky, Esquire, property owner/Petitioner, Glenn Cook, a traffic engineering expert from The Traffic Group, and Vince Moskunas, a representative of M & H Development Engineers, Inc., who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of approximately .36 acres in area, split zoned B.L. and D.R. 3.5.

The property is located in the historic community of Reisterstown and has frontage on Reisterstown Road (Maryland Route 140). At this location, Reisterstown Road is also known as Main Street. The property is split zoned, with the front portion of the site zoned B.L. and the rear portion zoned D.R. 3.5. A two-story brick building is located on the front portion of the site facing Reisterstown Road. This two-story building is used as a law office by Mr. Rosofsky and his firm, Durkee and Rosofsky. Additionally, an attached one-story concrete block building to the rear of the property is used by a tenant of Mr. Rosofsky, known as Baltimore After-Market Auto Sound and Security. Apparently, the business of that company is to install security and sound systems in automobiles after they are purchased by the owner by a dealer or at public sale.

Extensive testimony was presented by the Petitioner and his expert witnesses about these uses, the traffic pattern generated by same, and the character of the area. It was noted that similar commercial retail type uses are located near this site fronting Reisterstown Road. For example, a car sales operation is located nearby and the adjacent neighboring properties are used for retail (e.g., That Computer Store) and commercial (Creative Management Resources) purposes. Thus, it was argued that existing and proposed uses at the subject site are appropriate for the locale and should be permitted.

In this regard, it is to be observed that Section 101 of the B.C.Z.R. defines a service garage as "A garage other than a residential garage, where motor driven vehicles are stored, equipped for operation, repaired or kept for remuneration, hire or sale." (Emphasis added). Thus, although the use on the site is not a traditional type service garage as that term may be utilized by the public, the equipping of vehicles with

sound systems and security systems falls within the service garage definition. As noted above, special exception relief is requested to permit a service garage in the B.L. zone.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Special Exception in this case. The testimony offered by Messrs. Cook and Moskunas was persuasive that the proposed service garage will not be detrimental to the health, safety or general welfare of the community. In this regard, the operation apparently accepts vehicles on an appointment basis, and thus, there is minimal traffic generation. Moreover, the business does not perform mechanical or body shop work thereby minimizing the impact of its use on adjacent properties. Based on these factors, I am persuaded to grant the Petition for Special Exception for service garage, limiting same only to the business known as Baltimore After-Market Auto Sound and Security, or other similar operation. That is, clearly a Jiffy Lube type operation or similar, heavy duty mechanical repair-type operation would not be appropriate here. However, the present operation is acceptable and should be approved.

The Petition for Special Hearing seeks relief to permit commercial parking in a D.R. 3.5 zone. In this regard, it is to be noted that a portion of the property is split zoned and a portion of the proposed parking is located within the D.R. 3.5 zone. An examination of the site plan shows that the zone line is somewhat irregular, in that it is set deeper from Reisterstown Road on neighboring properties than the subject site. This fact, as well as the means of access to this rear lot are persuasive factors in granting the Petition for Special Hearing. Mr. Cook's testimony was also persuasive in this regard. The law office and service garage operation can be expected to generate relatively low levels of traffic and

the proposed parking arrangement appears appropriate and sufficient to accommodate the anticipated need.

The last request comes as a Petition for Variance to permit six parking spaces in lieu of the eight required under the zoning regulations. Again, the testimony offered by the Petitioner's expert witnesses as well as that received from Mr. Rosofsky was persuasive in supporting a finding that the variance Petition should be granted. It would be inappropriate to eliminate existing grass areas of the lot to provide more parking. Based upon the testimony and evidence presented, I am persuaded that six spaces is sufficient to accommodate these uses.

Although no Protestants or other interested persons appeared at the hearing, it is to be noted that the Petition was subject to review by the member agencies of the Zoning Plans Advisory Committee. With the exception of the Office of Planning, the agencies which review the plan, i.e., Public Works, Environmental Protection, etc., voice no objection to the proposal. The comment from the Office of Planning, however, suggested two restrictions on the granting of any relief. First, the Office of Planning suggests that the area of parking should be screened with a dense evergreen landscape treatment. Secondly, the Planning Office recommends that the existing freestanding sign which advertises the uses on the lot be replaced with one that is more in keeping with the historical character of the area. In order to evaluate these comments, I conducted a site visit to the property. This site visit was helpful, not only in evaluating the Petitions for zoning relief, but also Planning's comment.

As to the evergreen treatment, I do not find that additional landscaping is necessary. The rear of the lot already contains mature

trees and the front portion of the lot lies adjacent to retail/commercial businesses. Thus, no additional landscaping will be required.

However, I am persuaded as to the validity of Planning's comment regarding the sign. The subject property lies within the historic Reisterstown area and as noted within the Office of Planning's comment, Baltimore County is directing considerable funds to improve and enhance the appearance of mixed use commercial properties located on Main Street. In fact, ongoing work to revitalize and rehabilitate the area was evident during my site visit. Moreover, the Petitioner's sign is inappropriate and not in keeping with these efforts. Thus, as a condition of approval, I will require the Petitioner to replace the sign package on this property. The existing sign shall be removed and replaced with one that is approved by the Office of Planning.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of September, 1997 that the Petition for Special Hearing to approve commercial parking in a D.R. 3.5 zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a service garage on the subject property, zoned B.L., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit six (6) parking spaces in lieu of the required eight (8) for a combination service garage and law office use, in accordance

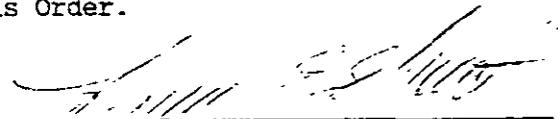
with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their use permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The special exception relief granted herein is limited to the business known as Baltimore After-Market Auto Sounds and Security, or similar operation. There shall be no heavy duty, automotive/mechanical equipment repair-type operation on the premises.

3) The relief granted herein is conditioned upon the Petitioner's compliance with the Zoning Plans Advisory Committee (ZAC) comments submitted by the Office of Planning, revised August 15, 1997, as to an identification sign for the uses on the subject property.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
 AND ZONING VARIANCE *
 W/S Reisterstown Rod, 215 ft. S * ZONING COMMISSIONER
 of c/i Bond Avenue *
 310 Main Street * OF BALTIMORE COUNTY
 4th Election District *
 3rd Councilmanic District * Case No. 97-100-SPHA
 James Eickhoff, et ux, et al
 Petitioners
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Zoning Variance for the property located at 310 Main Street in Reisterstown. The Petitions are filed by James A. and Jane S. Eickhoff, Harold D. and Brenda E. Rowe, Erik and Majorie Ewertz, property owners. Special hearing relief is requested for business parking in a residential zone in accordance with Section 409.8.B. of the Baltimore County Zoning Regulations (BCZR); and to continue an existing nonconforming use to permit the use of Strawberry Alley, 12.3 ft. (+/-) wide as a driveway for two way traffic movements in lieu of the 20 ft. required by Section 409.4.A. Variance relief is also requested from Section 1B01.1.B.1.e(5) of the BCZR to permit a reduction of the RTA 50 ft. buffer and 75 ft. setback to as little as a 0 ft. buffer and 0 ft. setback; and, if required, a variance from Section 409.4.A of the BCZR to permit the use of Strawberry Alley as a driveway for 2 way traffic movements as more fully set forth in the Petition for Special Hearing. All of the requested relief and subject property are more particularly shown on the site plan, received into evidence as Petitioner's Exhibit No. 1.

Date 1/10/77
 By [Signature]

Appearing and testifying at the requisite public hearing held for this case were Harold D. Rowe and James A. Eickhoff, property owners. Also present was Burton English, Jr., of Farrand and English, Inc., the engineer who prepared the site plan. There were no Protestants or other interested persons present.

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Testimony and evidence presented was that the subject site is .313 acres in area. split zoned B.L. and D.R.3.5. The subject property is rectangular in shape, with a narrow width but significant depth. The width of the property is 41.50 ft. and the depth approximately 330 ft. The property fronts Main Street (Reisterstown Road) in the Village of Reisterstown. Presently, the property is improved with a single story building used for medical office buildings. Both Mr. Rowe and Mr. Eickhoff are optometrists and practice their professions from this location.

Testimony presented was that the site has been used for optometrist's offices for many years. The present owners purchased the building and practice from another optometrist who has since retired.

As to the neighborhood, adjacent properties are used for a mix of commercial and residential uses. The adjoining property to the south is used as a book store and also contains a residential apartment. To the immediate north, a two story building is used as a computer service store and also contains residential apartments. Other similar businesses and residential uses are nearby, as are institutional uses (i.e., Reisterstown United Methodist Church).

12/21/78
 BY [Signature]

It was also indicated that presently the site features approximately 8 parking spaces for use by patrons of the business. These parking spaces are located to the rear of the existing structure. In order to provide vehicular access to this parking lot, a narrow driveway or alley runs down the south side of the property. This alley, which is paved, is known as Strawberry Alley and is approximately 12.3 ft. in width. According to documents in the Land Records office, the alley is jointly owned by the Petitioners and Mr. and Mrs. Ewertz, who own the adjacent property at 316 Main Street.

Zoning relief is requested because the Petitioners contemplate adding a single story addition to the rear of the structure. This addition will be 30 ft. x 30 ft. in dimension and will provide additional office and storage space. Four parking spaces will be lost as a result of the addition, however, eight are being added. A total of 12 spaces will be available once construction is completed. Moreover, Strawberry Alley will be continued along the southern property line to provide vehicular access to the new lot. The alley will be widened to a distance of 20 ft., meeting minimum requirements.

Variance relief from the RTA requirements is requested because of the split zoning of this property and adjacent properties. The front portion of the property where the medical office is located is zoned B.L. However, the rear portion of the property, where part of the lot will be located, is zoned D.R.3.5. The zoning line dividing the property is consistent on adjacent properties and, thus, an R.T.A. is generated from the residentially zoned portion of the adjacent property.

In my judgment, it is clear that a variance should be granted from the R.T.A. buffering/setback requirements. The proposed addition is entirely consistent with the area and uses. In fact, this is an area of Reisterstown which is within the community conservation district and is targeted for street scape improvements by the County. The Petitioners' additional investment in this property and utilization of same is entirely appropriate. In my judgment, variance relief from the R.T.A. requirements should be granted as the Petitioners have complied with the requirements contained within Section 307 of the BCZR.

Date _____
 BY _____

Variance relief is also requested for that portion of the existing driveway known as Strawberry Alley. As noted above, the alley is only 12.3 ft. in width, less than the 20 ft. required. Clearly the variance

should be granted. The Petitioners cannot increase the width of the driveway due to the narrowness of the lot. Moreover, the traffic which utilizes this driveway is minimal and the existing width is sufficient to accommodate that volume of traffic. For all of these reasons, I believe that variance relief should be granted.

Special hearing relief is also requested to approve business parking in a residential zone. The proposed expansion of the parking lot will bring a portion of same into the D.R.3.5 part of the lot. In that that portion of the lot is currently unimproved, utilization of a portion of same to support the business is appropriate. I find that there will be no detrimental impact to the health, safety or general welfare of neighboring properties or the community at large by the grant of this special hearing. It is also to be noted that landscaping will be installed to buffer the parking lot from nearby residential uses, all as shown on the plan.

Lastly, special hearing relief is requested, in the alternative, to support a finding that Strawberry Alley is a nonconforming use. Having granted the variance for the existing portion of Strawberry Alley, as set forth above, special hearing relief is not necessary. The existing width of Strawberry Alley is legitimized by the grant of the variance. Thus, the Petition for Special Hearing, in this respect, will be dismissed, as moot.

Lastly, it is to be noted that the subject site is within the Reisterstown National Register Historic District. In view of this designation, the Office of Planning has asked to review and approve the elevation drawings of the proposed addition to ensure compatibility with the existing structure and the character of the neighborhood. I believe this to be an appropriate restriction and will impose same as a condition precedent upon the grant of the relief requested.

Date _____
By _____

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County by this 18th day of October, 1996 that, pursuant to the Petition for Special Hearing, approval for business parking in a residential zone in accordance with Section 409.8.B. of the BCZR, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.1.B.1.e(5) of the BCZR to permit a reduction of the RTA 50 ft. buffer and 75 ft. setback to as little as a 0 ft. buffer and 0 ft. setback, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4.A of the BCZR to permit the use of Strawberry Alley (12.3 ft. +/- in width) as a driveway for 2-way traffic movements, in lieu of the 20 ft. required, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that continuance of an existing nonconforming use to permit the use of Strawberry Alley, 12.3 ft. (+/-) wide as a driveway for two-way traffic movements, in lieu of the 20 ft., as required by Section 409.4.A, be and is hereby DISMISSED AS MOOT, subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall submit to the Office of Planning the elevation drawings of the proposed addition to ensure compatibility with the existing structure in a

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By _____

manner consistent with the Reisterstown National Register of Historic District.

3. The Petitioners shall provide landscaping as shown on the site plan.

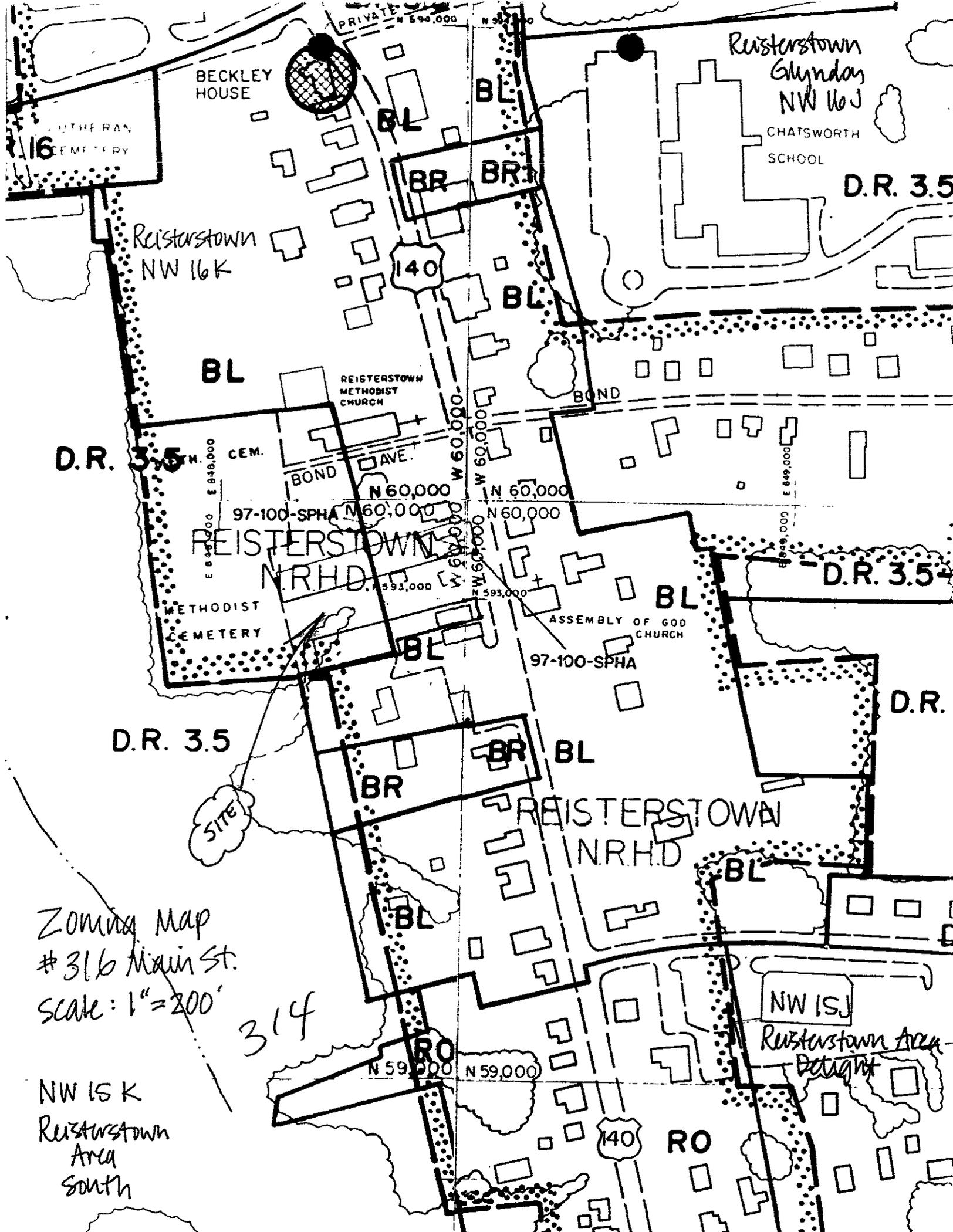
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

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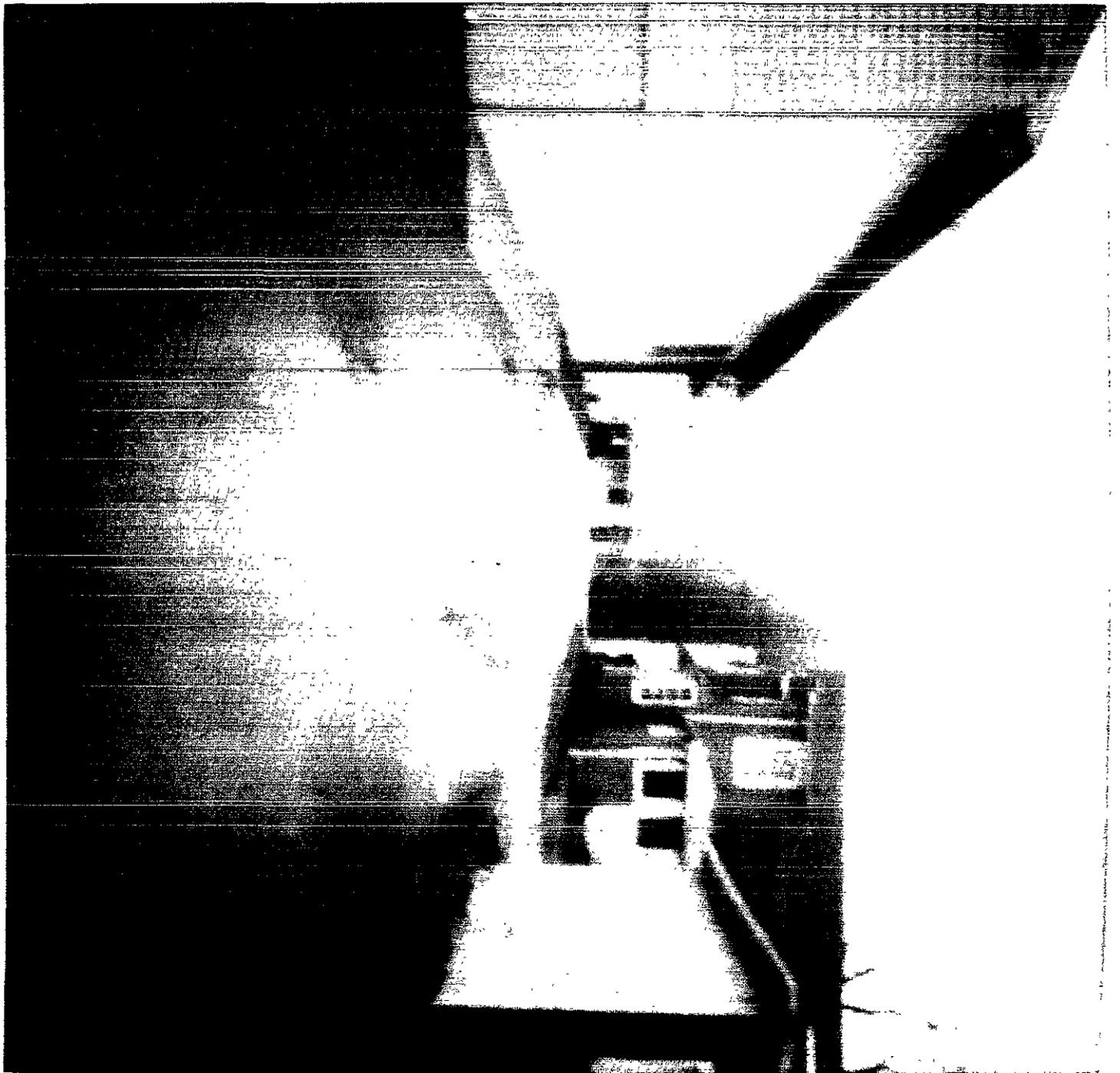


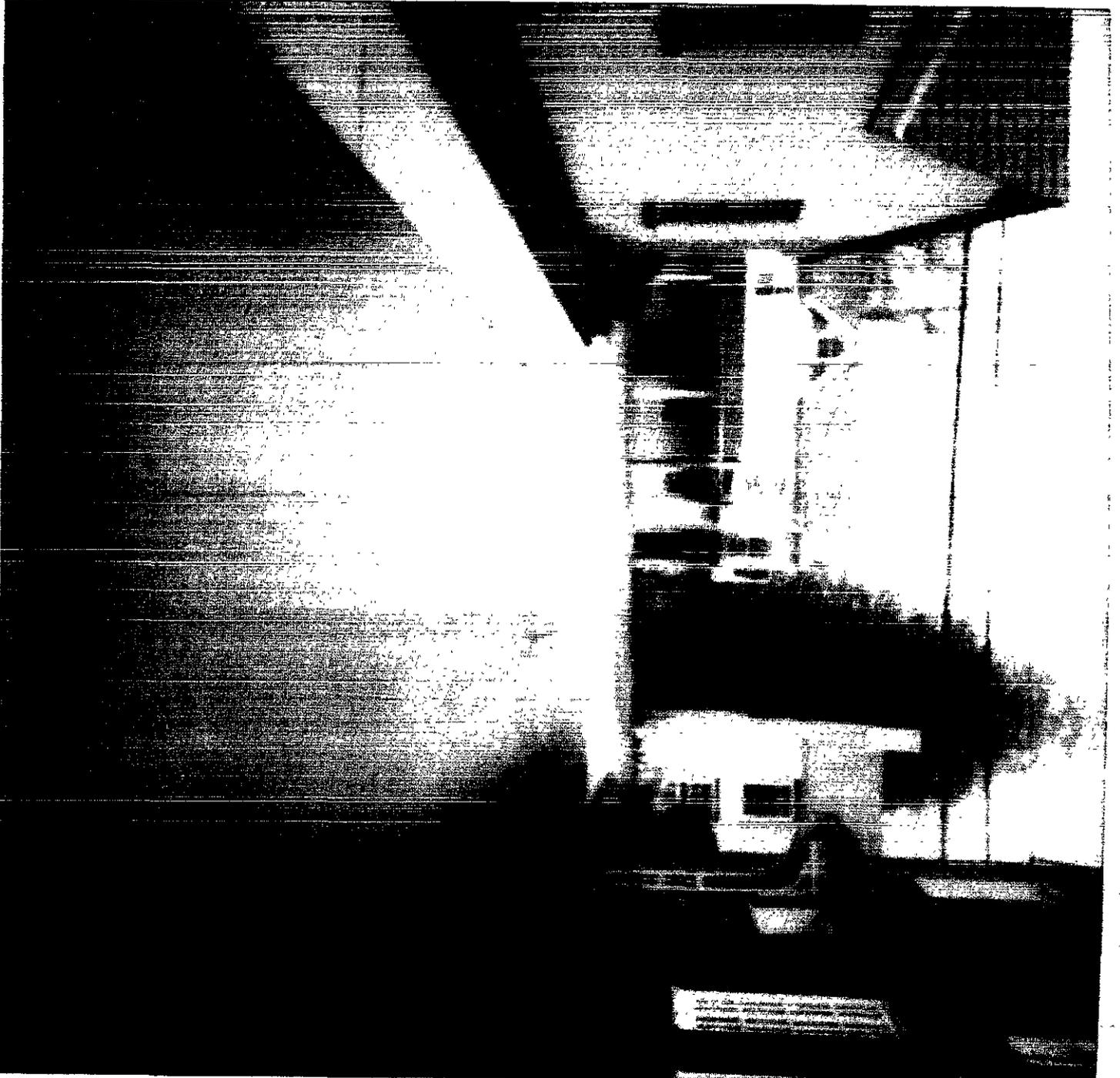
Zoning Map
 # 316 Main St.
 Scale: 1" = 200'

314

NW 15 K
 Reisterstown
 Area
 South







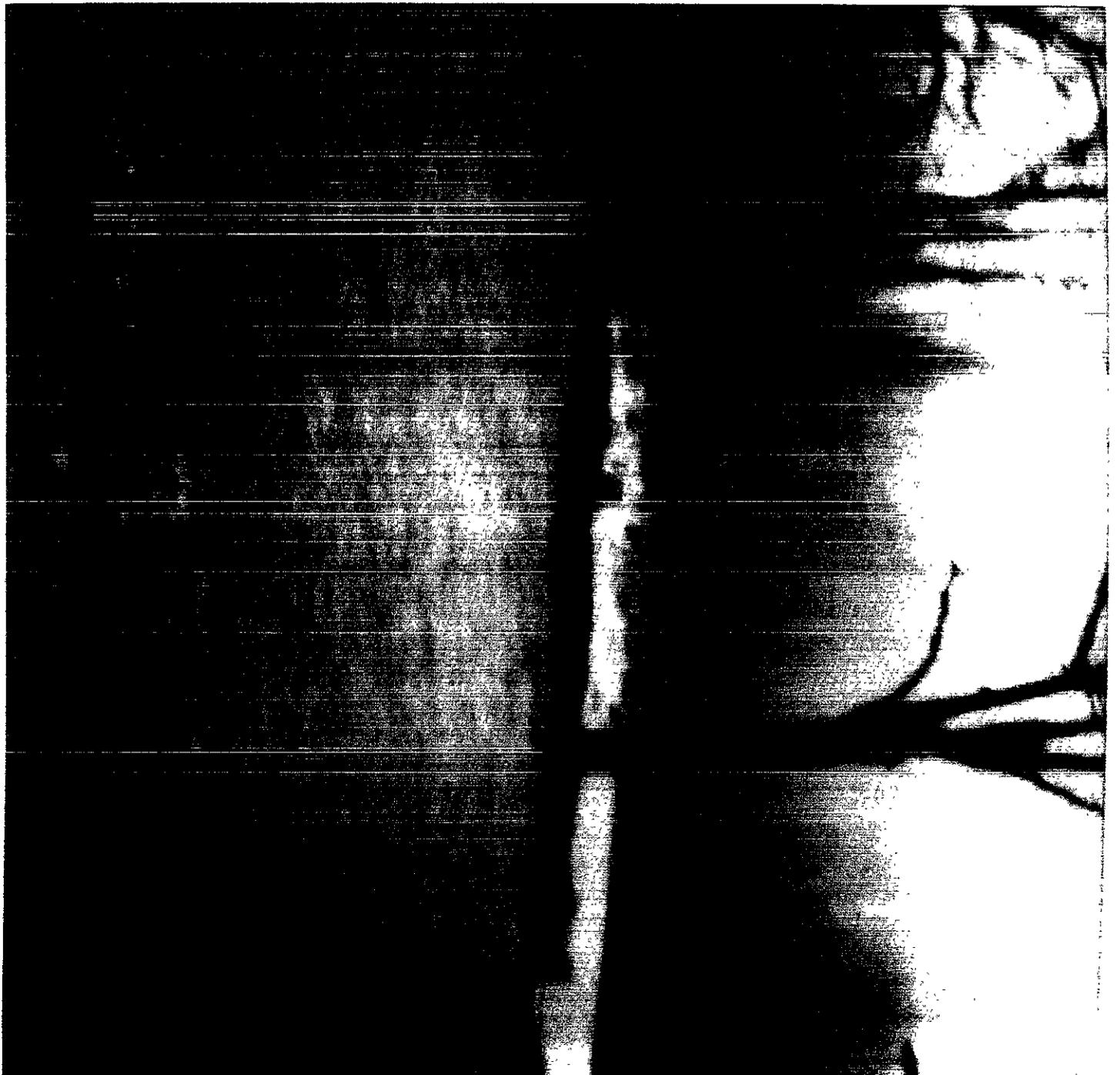










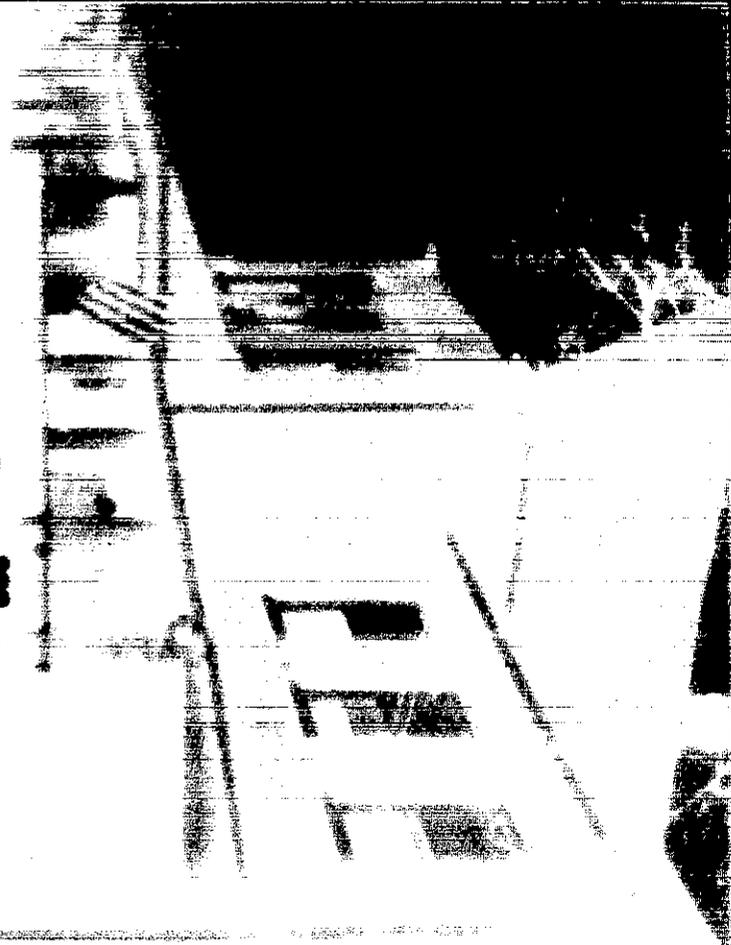




**Durkin &
Rosofsky**
ATTORNEYS AT LAW
(410) 528-0201

**1000
N. W. 10th St.
Baltimore, MD 21201**

**1000
N. W. 10th St.
Baltimore, MD 21201**







NO
PARKING

NO
PARKING

